

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No.: 23-CV-848
)
)
CERTAIN REAL PROPERTY commonly)
known as 425 WINDWOOD LAKE DRIVE,)
CAPE GIRARDEAU, MISSOURI,)
)
Defendant.)

CLAIMANT ANTONY GRAZIANO'S MOTION TO STAY PROCEEDINGS

COMES NOW Claimant, Antony Graziano, by and through his attorney, and, pursuant to 18 U.S.C. § 981(g)(2), respectfully moves this Court to stay all proceedings of the above-styled cause during the pendency of the criminal case against Claimant giving rise to the present forfeiture action (Case No.: 2:23-cr-00137-PP). In support, Claimant states as follows:

1. On June 26, 2023, the Government filed a Verified Complaint for Forfeiture in Rem against the Defendant Property and, on July 13, 2023, served a Notice of Civil Forfeiture Action upon Claimant via certified mail.
2. On October 25, 2023, the Government filed a letter advising the Court that it had no objection to extend the time in which to file a claim to November 20, 2023.
3. On November 20, 2023, Claimant filed a Motion for Extension of Time to File a Claim.
4. On January 18, 2024, the Government filed a letter advising of the United States' intention to move for default judgement.
5. On February 6, 2024, the Government filed its Motion for Default Judgment.

6. On February 9, 2024, this Court granted Claimant's Motion for Extension of Time to File a Claim, extending said deadline to March 1, 2024.

7. On March 1, 2024, Claimant filed his Second Motion for Extension of Time to File a Claim, which this Court granted in part on March 4, 2024, extending said deadline to March 8, 2024.

8. On March 6, 2024, the date of the present filing, Claimant filed his claim (the "Claim") to the Defendant Property. *See* Claim [Doc. #20].

9. 18 U.S.C. § 981(g)(2) provides as follows:

Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding with respect to that claimant if the court determines that—

- (A) the claimant is the subject of a related criminal investigation or case;
- (B) the claimant has standing to assert a claim in the civil forfeiture proceeding; and
- (C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case.

18 U.S.C. § 981(g)(2) (West).

10. The United States has a pending criminal case against Claimant in the Eastern District of Wisconsin (Case No.: 2:23-cr-00137-PP) regarding the conduct giving rise to the forfeiture of the Defendant Property. Thus, Claimant is the subject of a related criminal case. *See* Case No.: 2:23-cr-00137-PP, Indictment at 4, ¶ 1(d); *see* Verified Complaint [Doc. #1], at 2-3, ¶¶ 8-9.

11. The record owner of the Defendant Property is AMG Investments LLC. Claimant is a member of AMG Investments LLC and has been during all relevant times. *See id.* at 2, ¶ 3; *see* Notice to AMG Investments LLC c/o Antony Graziano [Doc. #5].

12. As such, Claimant possesses a property interest in the Defendant Property, which he has attested to under penalty of perjury in his Claim filed with this Court. *See* Claim [Doc. #20]. Thus, Claimant has standing to assert a claim in the present forfeiture proceeding.

13. Any answer to the Government's Verified Complaint filed on behalf of Claimant or any discovery in this matter would create a burden on Claimant's right against self-incrimination in his related criminal case.

14. Accordingly, this Court should stay all proceedings of the above-styled cause pursuant to 18 U.S.C. § 981(g)(2).

15. Claimant, through counsel, has discussed this matter with Assistant U.S. Attorney Bridget Schoenborn. Ms. Schoenborn does not object to this request, assuming Claimant files a claim to the Defendant Property, which he has done as of the date of this filing, as described above.

16. The requested stay is in the interest of justice insofar as it potentially avoids the need for further litigation and thereby conserves judicial and other governmental resources.

WHEREFORE, for the foregoing reasons, Claimant, Antony Graziano, respectfully requests this Court stay all proceedings of the above-styled cause during the pendency of the related criminal case against Claimant.

Respectfully submitted,

By: /s/ N. Scott Rosenblum
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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2024, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system.